

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES

DIRECTOR'S OFFICE

CONSTRUCTION CODE

Filed with the Secretary of State on
These rules take effect on June 1, 2004

(By authority conferred on the director of the department of consumer and industry services by section 4 of 1972 PA 230, MCL 125.1504, and Executive Reorganization Order No. 1996-2, MCL 445.2001)

R 408.31170 is added to the Michigan Administrative Code to read as follows:

PART 11. PREMANUFACTURED UNITS

R 408.31170 Requirements for approval of third party plan review agencies; suspension or revocation; hearing; appeal.

Rule 1170. (1) A review agency seeking approval shall submit an application to the commission on a form provided by the bureau of construction codes and fire safety.

(2) The application shall include all of the following information:

- (a) Name of applicant.**
 - (b) Address of applicant.**
 - (c) Qualifications of applicant.**
 - (d) Name of each individual performing plan reviews.**
 - (e) Number of years of experience and qualifications of each individual performing plan reviews.**
 - (f) The registration number of each individual performing plan reviews.**
 - (g) Professional registrations held by the individuals performing plan reviews.**
 - (h) The name and location of the manufacturer for which plan reviews will be conducted.**
 - (i) A statement of how compliance with the requirements of section 19(6) of 1972 PA 230, MCL 125.1501 et seq. is achieved.**
- (3) The application shall include all of the following items:**
- (a) Original articles of incorporation of the agency and any subsequent amendments thereto, as filed in the state of the incorporation.**
 - (b) The bylaws of the organization.**
 - (c) The names, addresses, and business affiliations of all members of the board of directors and top management personnel.**
 - (d) A listing of stockholders or other parties of interest having shares or other holdings in excess of \$5,000.00.**
 - (e) A certification by the agency of both of the following:**
 - (i) Its board of directors, as a body, and its technical personnel, may exercise independence in judgment.**

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(ii) The activities pursued by the agency will not result in financial gain or benefit to the agency via stock ownership, or other financial interest from the manufacturer, any producer, supplier, or vendor of products involved, other than through standard published fees for services rendered.

(f) An organizational chart showing the reporting relationship of all personnel associated with the conduct of plan reviews and supervision of the plan review process.

(g) A listing of persons responsible for evaluation of personnel performing plan reviews.

(h) An outline of the process to determine actions to be taken if a violation of the codes is identified within the plan review process and how corrections will be achieved.

(i) A description of the record keeping system used to document receipt of plans, plan reviews conducted, and plan reviews completed and filed with the commission.

(j) Description of the frequency of which plan reviews may be conducted.

(k) A list of other states in which the agency is currently approved to conduct plan reviews.

(l) A statement outlining the familiarity of the agency with the Michigan construction codes and the premanufactured unit rules.

(m) A certification that the agency may perform plan reviews for compliance with codes, standards, specifications, and requirements adopted in this state for premanufactured units or building components.

(4) The commission may suspend or revoke its approval of any third party plan review agency for any of the following reasons:

(a) The approval was issued in error.

(b) Was issued based on incorrect information.

(c) Was issued in violation of the act or the rules.

(d) The agency violates the act or the rules.

(e) Examination or the action of the third party plan review agency disclosed the agency failed to perform its duties in accordance with the rules, or other such regulation that causes premanufactured units to be produced in violation of the rules.

(f) Other causes as may be deemed sufficient by the commission to warrant the suspension or revocation.

(5) A third party plan review agency subject to suspension or revocation of an approval issued by the commission may appeal the suspension or revocation in the following manner:

(a) An application for appeal shall be filed in writing within 90 days after the date of the decision or action from which the appeal is being taken.

(b) An application may be filed either in person or by mail to the department.

(c) The application shall be in writing and shall contain sufficient information to apprise the commission of the rule being appealed, the facts and circumstances surrounding the decision or action being appealed, and the grounds upon which the appeal is based.

(6) The application shall include, where applicable, all of the following documentation:

(a) A statement of the rule, determination, decision, directive, ruling, or order that is the subject of the appeal.

(b) A copy of the building system approval report, plan, compliance assurance manual, or other documentation involved in the appeal.

(c) A description of the premanufactured unit or units or building components involved in the appeal.

(d) A statement of the relief being sought by the appellant.

(7) The commission shall hear an appeal from a third party plan review agency without undue delay after the receipt of the objections. The appeal may be heard by the commission or a panel of 3 or more members designated for that purpose.